



Docket:6956.07

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor:	Jeffrey K. Drogue	
Appln. No.:	10/659,655	
Filing Date:	September 10, 2003	Examiner: Michael G. Bogart
Title:	SMOKE EVACUATION SYSTEM	Group Art Unit: 3761

TERMINAL DISCLAIMER UNDER 37 CFR § 1.321

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this document is being sent via First Class U.S. mail addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3rd day of May, 2005.

Sue Henaber  
(Signature)

Sir:

The owner, Innovative Surgical Technologies, Inc., of 100 percent interest in the instant application (by virtue of Assignment; copy enclosed) hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. § 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,663,610. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the above listed patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assignees.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. § 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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The undersigned is the attorney or agent of record in this application.

Respectfully submitted,

DORSEY & WHITNEY LLP  
Customer Number 25763

Date: \_\_\_\_\_

*May 3, 2005*

By: \_\_\_\_\_

*David E. Bruhn*

David E. Bruhn  
Reg. No. 36,762  
Intellectual Property Department  
Suite 1500  
50 South Sixth Street  
Minneapolis, MN 55402-1498  
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# ASSIGNMENT

WHEREAS, I, Leonard S. Schultz, M.D., of 6504 Walker Street, Suite 208, St. Louis Park, Minnesota 55426, am the owner, by virtue of assignment or inventorship, of the patents, patent applications and inventions thereof listed on the attached Exhibit A;

WHEREAS, Innovative Surgical Technologies, Inc. ("Assignee"), a corporation organized and existing under the laws of the State of Minnesota, and having offices at 6504 Walker Street, Suite 208, St. Louis Park, Minnesota 55426, is desirous of acquiring the entire right, title and interest in and to the patents, patent applications and inventions thereof listed on the attached Exhibit A;

NOW, THEREFORE, effective January 1, 2003, for good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, I transfer to Assignee, its successors and assigns, my entire right, title, and interest in and to the patents, patent applications and inventions thereof listed on the attached Exhibit A, all corresponding domestic applications (including provisionals, non-provisionals, divisionals, continuations, and continuations-in-part), all corresponding foreign applications, all Letters Patent or similar legal protection issuing thereon, and all rights and benefits under any applicable treaty or convention; and I authorize the Commissioner of Patents and Trademarks of the United States or foreign equivalent thereof to issue the Letters Patent or similar legal protection to the Assignee.

I authorize the Assignee, its successors and assigns, or anyone it may properly designate, to apply for Letters Patent or similar legal protection, in its own name if desired, in any and all foreign countries.

I represent to the Assignee, its successors and assigns, that I have not and shall not execute any writing or do any act whatsoever conflicting with this Assignment. I, my executors or administrators, will at any time upon request, without additional consideration, but at the expense of the Assignee, its successors and assigns, execute such additional writings and do such additional acts as the Assignee, its successors and assigns, may deem desirable to perfect its enjoyment of this grant, and render all assistance in making application for and obtaining, maintaining, and enforcing the Letters Patent or similar legal protection on the invention in any and all countries.

  
Leonard S. Schultz

## CERTIFICATE OF ACKNOWLEDGMENT

STATE OF Minnesota  
COUNTY OF Hennepin : SS.

Subscribed and sworn to before me, a Notary Public,  
this 9<sup>th</sup> day of April, 2003. 2004 WJS

  
Notary Public

(SEAL)



EXHIBIT A TO  
ASSIGNMENT (PATENTS)

UNITED STATES PATENTS

PENDING PATENT APPLICATIONS

Country	Application No.	Filing Date	Title	Status
US	09/673,406	10-17-2000	Evacuator	Pending
US	09/710,288	11-10-2000	Smoke Evacuation System	Pending
US	60/264,871	01-29-2001	Fluid And Bioaerosol Management	Expired
US	09/891,743	06-26-2001	Surgical Instruments For Minimally Invasive Surgical Procedures	Pending

ACTIVE ISSUED PATENTS

Country	Patent No.	Issue Date	Title
US	4,921,492	05-01-1990	End Effector For Surgical Plume Evacuator
US	5,370,647	12-06-1994	Tissue And Organ Evacuator
US	6,096,026	08-01-2000	Surgical Instruments For Minimally Invasive Surgical Procedures
US	6,520,953	02-18-2003	Surgical Instruments For Minimally Invasive Surgical Procedures